

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Thomas Harley, #162293,	)	
	)	
Petitioner,	)	
	)	Civil Action No.: 3:02-1341-TLW
vs.	)	
	)	
Charles Condon, Attorney General of the	)	
State of SC; and State of SC,	)	
_____	)	

**ORDER**

On November 15, 2007, the petitioner, Thomas Harley (“petitioner”), filed a motion for permission to petition for extraordinary writ. (Doc. #25). The motion was referred to the magistrate judge to whom this case had been assigned. On August 12, 2008, Magistrate Judge Joseph R. McCrorey issued a Report and Recommendation. In the Report, Magistrate Judge McCrorey recommends that the District Court deny the motion and that the petitioner be instructed that if he wishes to file a second habeas action, he should seek authorization from the Fourth Circuit Court of Appeals pursuant to 28 U.S.C. § 2254. (Doc. #27). As noted in the Report, the petitioner’s first petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was dismissed by this Court. (Doc. #15). Objections to the Report were due September 2, 2008. The plaintiff has not filed objections.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v.

Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #27) and the motion is denied. If the petitioner wishes to file a second habeas action, then the petitioner should seek authorization from the Fourth Circuit Court of Appeals pursuant to 28 U.S.C. § 2254.

**IT IS SO ORDERED.**

S/Terry L. Wooten

Terry L. Wooten  
United States District Judge

September 3, 2008  
Florence, South Carolina